

1 THE HONORABLE JOHN H. CHUN
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7 **UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

8 FEDERAL TRADE COMMISSION, *et al.*,
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10 Plaintiffs,
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v.
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AMAZON.COM, INC., a corporation,
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Defendant.
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CASE NO.: 2:23-cv-01495-JHC
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**DECLARATION OF CHRISTINE
KENNEDY IN SUPPORT OF
PLAINTIFFS' REPLY IN
SUPPORT OF MOTION TO
ENTER AN ESI ORDER**
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I, Christine Kennedy, declare as follows:
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18 1. I am an Attorney in the Federal Trade Commission's ("FTC") Bureau of
19 Competition, and I represent the FTC in the above-captioned action. I am over eighteen years of
20 age and am competent to testify to the matters set forth in this declaration. I make the following
21 statements based on my personal knowledge.
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23 2. On January 4, 2024, Robert Keeling, counsel for Amazon, sent Emily K. Bolles,
24 counsel for the FTC, a proposed ESI Stipulation and Stipulation Regarding Privilege Logging.
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26 3. Attached as **Exhibit A** is a true and correct copy of Amazon's proposed ESI
27 Stipulation sent by Mr. Keeling on January 4, 2024.
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4. On April 11, 2024, Katherine Trefz, counsel for Amazon, emailed Edward H. Takashima, counsel for the FTC, requesting that Plaintiffs redact a portion of Exhibit A. That portion of Exhibit A is not cited in Plaintiffs' reply brief and has been redacted.

5. Attached as **Exhibit B** is a true and correct copy of Amazon's proposed Stipulation Regarding Privilege Logging sent by Mr. Keeling on January 4, 2024.

6. Attached as **Exhibit C** is a true and correct copy of a letter from Robert Keeling to Emily K. Bolles, dated March 8, 2024.

7. On March 25, 2024, Amazon served its Responses and Objections to Plaintiffs' Second Set of Requests for Production.

8. In Amazon's Responses and Objections to Plaintiffs' Second Set of Requests for Production, Amazon projects that it will not start producing several categories of documents until September 2024 and will not substantially complete those productions until December 2024. For one category of documents, Amazon estimates that it will not substantially complete production until February 2025.

9. Plaintiffs first proposed privilege log exclusions for their internal communications in November 2023 and included them in every proposal sent to Amazon over three months of negotiations. Amazon never counter proposed language for these proposed privilege log exclusions.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 12, 2024, in Washington, DC.

s/ Christine M. Kennedy
Christine M. Kennedy